

1 BEFORE THE
2 ILLINOIS COMMERCE COMMISSION
3
4 IN THE MATTER OF:)
5)
6 THE DEPARTMENT OF TRANSPORTATION OF)
7 THE STATE OF ILLINOIS, FOR THE)
8 PEOPLE OF THE STATE OF ILLINOIS,)
9)
10 vs.) No. 02-0349
11)
12 AMOCO PIPELINE COMPANY, ITS)
13 SUCCESSORS AND/OR ASSIGNS, N/K/A)
14 B.P. PIPELINES (NORTH AMERICA),)
15 INC., AND UNKNOWN OWNERS)
16)
17 Petition for approval of the taking)
18 or damaging of certain properties)
19 owned by a public utility in Cook)
20 County, Illinois by exercising the)
21 right of eminent domain.)

12 Chicago, Illinois
13 July 24, 2002

14 Met, pursuant to notice, at 10:00 a.m.

15 BEFORE:

16 MR. JOHN RILEY, Administrative Law Judge

17 APPEARANCES:

18 DOUGLAS G. FELDER, P.C., by
19 MR. DOUGLAS G. FELDER (via telephone)
20 20 South Clark Street
21 Suite 2000
22 Chicago, Illinois 60603
 appearing for the petitioner;

1 APPEARANCES (continued):

2 MR. STEVEN CIANFARINI (via telephone)
3 527 East Capitol Avenue
4 Springfield, Illinois 62701
5 appearing for Staff.

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21 SULLIVAN REPORTING COMPANY, by
22 Rocio Garcia, CSR
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| 1 | <u>I</u> <u>N</u> <u>D</u> <u>E</u> <u>X</u> | | |
| 2 | | Re- | Re- By |
| 3 | <u>Witnesses:</u> | <u>Direct</u> <u>Cross</u> <u>direct</u> <u>cross</u> | <u>Examiner</u> |
| 4 | NONE | | |
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| 10 | <u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u> | | |
| 11 | <u>Number</u> | <u>For Identification</u> | <u>In Evidence</u> |
| 12 | NONE | | |
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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call Docket
3 02-0349. This is a petition by the Department of
4 Transportation of the State of Illinois versus Amoco
5 Pipeline Company now known as B.P. Pipelines and
6 unknown others for approval of the taking or
7 damaging of certain properties owned by a public
8 utility in Cook County, Illinois by exercising the
9 right of eminent domain.

10 Mr. Felder, would you enter an appearance
11 for the record, please.

12 MR. FELDER: Douglas G. Felder, F-e-l-d-e-r, 20
13 South Clark Street Chicago, Illinois 60603 for the
14 Department of Transportation.

15 JUDGE RILEY: Thank you very much.

16 And, Mr. Cianfarini, would you enter an
17 appearance very quickly.

18 MR. CIANFARINI: I am Steven Cianfarini appearing
19 on behalf of the energy division, Illinois Commerce
20 Commission, 527 East Capitol Avenue, Springfield,
21 Illinois 62701.

22 JUDGE RILEY: Thank you. And at this time

1 Mr. Cianfarini, would you please explain to me what
2 your -- the results were in your attempt to contact
3 counsel for the respondent in this matter.

4 MR. CIANFARINI: I tried to contact Caroline
5 Hermeling at (314) 480-1922 and her secretary
6 informed me she was out of town. I was unable to
7 contact her.

8 JUDGE RILEY: Okay. So Ms. Hermeling is not --
9 she's --

10 MR. CIANFARINI: And she's not available.

11 JUDGE RILEY: She is not available and cannot be
12 contacted at this time?

13 MR. CIANFARINI: That's correct.

14 JUDGE RILEY: Okay.

15 Mr. Foley (sic), you filed a motion in
16 this matter to withdraw the petition?

17 MR. FELDER: Yes.

18 JUDGE RILEY: For the eminent do- -- for the
19 exercise of eminent domain; is that correct?

20 MR. FELDER: Yes, it is correct and my
21 understanding from Ms. Hermeling is that the
22 respondent has no objection.

1 JUDGE RILEY: And did you actually speak to
2 Ms. Hermeling?

3 MR. FELDER: Yes.

4 JUDGE RILEY: You did?

5 MR. FELDER: Yes, I --

6 JUDGE RILEY: Okay.

7 MR. FELDER: -- last week.

8 JUDGE RILEY: And do you remember what her exact
9 words were or...?

10 MR. FELDER: No, I don't. I just recall in
11 general that she was in agreement that that was the
12 result she'd wanted.

13 JUDGE RILEY: All right. Hold on.

14 And Mr. Cianfarini, have you had a chance
15 to review the petition -- or I'm -- excuse me, the
16 motion filed by Mr. Felder to withdraw the petition
17 in this matter?

18 MR. CIANFARINI: I just got -- I just reviewed
19 E-docket to look for that motion. I didn't see it
20 there so I did not have a chance to review the
21 motion.

22 If it's, you know, a petition to dismiss,

1 I have no problem with it.

2 JUDGE RILEY: Well, specifically what it says
3 that the petitioner, Department of Transportation is
4 a department of the government of Illinois and by
5 its counsel Douglas G. Felder requests that the
6 petition previously filed by the Department of
7 Transportation of the State of Illinois be
8 withdrawn. That's all it says.

9 MR. CIANFARINI: Very good. Sounds good.

10 JUDGE RILEY: And it's signed by Mr. Felder and
11 you would -- staff would have no objection to the
12 withdraw of this petition under those circumstances?

13 MR. CIANFARINI: That's correct, your Honor.

14 That's correct if you didn't hear me.

15 JUDGE RILEY: No, I've got it. Thank you very
16 much.

17 MR. CIANFARINI: Okay.

18 JUDGE RILEY: Was there anything else that had to
19 be discussed at this time?

20 MR. FELDER: No, not from the petitioner.

21 JUDGE RILEY: All right. Then what I'll do is
22 I'll take -- accept Mr. Felder's representations as

1 to his response from Ms. Hermeling that she has no
2 objection to withdrawing the petition in this
3 matter.

4 Staff has indicated that it has no
5 objection to the petition being withdrawn and that
6 being the case then, I will grant the motion and I
7 will prepare an order for the Commission --

8 MR. FELDER: Very good.

9 JUDGE RILEY: -- withdrawing the petition in this
10 matter.

11 Is there anything further from, Staff?

12 MR. CIANFARINI: No, sir.

13 JUDGE RILEY: Anything further from the
14 petitioner?

15 MR. FELDER: No, your Honor.

16 JUDGE RILEY: All right. Then I'm going to have
17 the court reporter mark this matter heard and taken.

18 Thank you very much.

19 HEARD AND TAKEN

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